

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

WILLIAM CONEY,  
Plaintiff,  
v.

Case No. 2:23-cv-01645-CDS-EJY

OFFICER MICHAEL LOZO, OFFICER A.  
MARISCAL, JOSEPH LOMBARDO; CLARK  
COUNTY COUNCIL,  
Defendants.

**ORDER**

On October 11, 2023, Plaintiff, an inmate in the custody of Clark County Detention Center (“CCDC”) filed an incomplete application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s IFP application fails to include his inmate trust fund account statement for the previous six-month period. Even if Plaintiff has not been at the Nevada Department of Corrections facility a full six-month period, Plaintiff must still submit his inmate account statement for the dates he has been at the facility. 28 U.S.C. § 1915(a)(2); Local Rule LSR 1-2.

Under 28 U.S.C. § 1915(a)(2) and LSR 1-2, Plaintiff may apply for *in forma pauperis* status, which would allow him to file his civil action without prepaying the \$402 filing fee if he submits **three** of the required documents to the Court including: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

IT IS HEREBY ORDERED that on or before **December 11, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed**

1 ***in Forma Pauperis* for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly  
2 signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail**  
3 **trust fund account statement for the previous six-month period.**

4 IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete  
5 application to proceed *in forma pauperis* on or before **December 11, 2023**, will result in a  
6 recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows  
7 Plaintiff to file his case with the Court, under a new case number, when he is able to comply with  
8 LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

9 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1)  
10 but will not file it at this time.

11 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved  
12 form application to proceed *in forma pauperis* for inmate along with the information and instructions  
13 for filing the same.

14 Dated this 12th day of October, 2023.

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17 ELAYNA J. YOUCHAH  
18 UNITED STATES MAGISTRATE JUDGE  
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